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EXAMINER

WINTERS, MAREISHA N

ART UNIT PAPER NUMBER

2153

DATE MAILED: 03/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

# Office Action Summary

Application No.

09/602,844

Applicant(s)

HUBBARD ET AL.

Examiner

Mareisha N. Winters

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 4.                      6) ☐ Other:

### **DETAILED ACTION**

1. Claims 1-17 have been presented for examination.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Drawings***

3. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

#### ***Specification***

4. The abstract of the disclosure is objected to because of the following minor informality, in line 5 "utilize" should be --utilizes--. Correction is required. See MPEP § 608.01(b).

#### ***Claim Objections***

5. Claims 5 and 11 are objected to because of the following informalities:  
  
in claim 5, line 1, the phrase "wherein receiving step" should be --wherein *the* receiving step";  
  
in claim 11, line 1, the phrase "wherein allocating step" should be --wherein *the* allocating step--.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-6, and 8-13 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 6,477,565 to Daswani et al.

Daswani et al. discloses a method of operating a distributed processing system to provide data conversion services (column 5, lines 4-7), as claimed in claim 1, comprising:

providing a server system (column 5, line 38 and Fig. 1, “21”, “23” and “25”);  
coupling the server system to a network, the network being configured to be coupled to distributed devices (Fig. 1);  
receiving a request for data conversion from a requesting device (column 7, lines 8-12);  
and  
utilizing the server system to distribute workloads to at least one distributed device to accomplish the requested data conversion (Fig. 2, “55”).

In considering claim 2, Daswani et al. discloses wherein the data conversion comprises language translation (column 9, lines 7-12).

In considering claim 3, Daswani et al. discloses wherein the data conversion comprises reformatting content of a network site (column 9, lines 7-12).

In considering claim 4, Daswani et al. discloses wherein the requesting device is a wireless device and the data conversion reformats the content of the network site so that it is displayable on the wireless device (column 6, lines 56-63).

In considering claim 5, Daswani et al. discloses wherein the receiving step comprises receiving a request from a wireless device server, the wireless device server having first received a request for the content from the network site from the wireless device (column 7, lines 32-33).

In considering claim 6, Daswani et al. discloses wherein distributed devices receiving the conversion workload communicate results directly back to the requesting device (Fig. 2, "37"; Note that the double arrows between data center (37) and pager, notebook and mobile phone show communicating the results directly back to the requesting device.).

Daswani et al. discloses a method of operating a distributed processing system to provide data conversion services (column 5, lines 4-7), as claimed in claim 8, comprising:

providing a server system (column 5, line 38 and Fig. 1, "21", "23" and "25");

coupling the server system to a network, the network being configured to be coupled to distributed devices (Fig. 1);

receiving a request for data conversion service from a requesting device (column 7, lines 8-12); and

allocating at least one distributed device to accomplish the requested data conversion service (Fig. 2, "55").

Referring to claim 9, Daswani et al. discloses where in the requesting device comprises a network site content server (column 7, lines 8-12).

Referring to claim 10, Daswani et al. discloses wherein the network is the Internet (column 7, lines 8-12 (ISP)).

Referring to claim 11, Daswani et al. discloses wherein the allocating step comprises allocating a group of distributed devices (column 5, lines 59-64).

Referring to claim 12, Daswani et al. discloses wherein the requesting device comprises a wireless device server (Fig. 1, "13").

Referring to claim 13, Daswani et al. discloses wherein the requesting device communicates data conversion workloads directly to the allocated distributed devices (Fig. 2, "37"; Note that the double arrows between data center (37) and pager, notebook and mobile phone show communicating the data conversion workloads directly to the allocated distributed device.).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daswani et al in view of U.S. Patent No. 6,212,550 to Segur.

Although the system disclosed by Daswani et al. shows substantial features of the claimed invention, as discussed above, it fails to disclose wherein the requested data conversion comprises a data file transmitted from the requesting device. Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Daswani et al., as evidenced by Segur

In an analogous art, Segur discloses a system for converting messages from a first format to a second format wherein the requested data conversion comprises a data file transmitted from the requesting device (column 3, lines 52-59; Note that when the user selects a message to

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review they are sending a data file from the requesting device in which to be converted.). Given the teaching of, Segur a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Daswani et al. by employing the well known or conventional features of conversion of a data file transmitted from a requesting device, such as disclosed by Segur, in order to allow the user to determine the format in which they want to receive the requested data.

10. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daswani et al. in view of U.S. Patent No. 6,334,126 to Nagatomo et al.

Daswani et al. discloses a distributed data conversion processing system (column 5, lines 4-7), as claimed in claim 14, comprising:

a first system coupled to a network, the network being configured to be coupled to distributed devices (Fig. 1); and

the first system capable of receiving data conversion requests from a requesting device (column 7, lines 8-12).

However, it fails to disclose a database storing capability vectors for a plurality of the distributed devices, the first system utilizing at least one capability vector to identify at least one distributed device to accomplish data conversion. Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Daswani et al., as evidenced by Nagatomo et al.

In an analogous art, Nagatomo et al. discloses a system which receives a request for data and converts the data to an appropriate format and outputs the data to various apparatuses having:

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a database storing capability vectors for a plurality of the distributed devices, the first system utilizing at least one capability vector to identify at least one distributed device to accomplish data conversion (column 7, lines 9-13 and lines 20-25).

Given the teaching of Nagatomo et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Daswani et al. by employing the well known or conventional features of identifying a distributed device capable of handling the data conversion, such as disclosed by Nagatomo et al., in order determine the functions and ability of the distributed device prior to conversion to efficiently output the requested data.

As per claim 15, Daswani et al. discloses wherein the data conversion comprises language translation (column 9, lines 7-12).

As per claim 16, Daswani et al. discloses wherein the data conversion comprises reformatting content of a network site (column 9, lines 7-12).

As per claim 17, Daswani et al. discloses wherein the first system is capable of receiving a request from a wireless device server, the wireless device server having first received a request for the content from the network site from a wireless device (column 7, lines 32-33).

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,189,045 to O'Shea et al.

U.S. Patent No. 6,336,124 to Alam et al.

U.S. Patent No. 6,347,340 to Coelho et al.

U.S. Patent No. 6,393,014 to Daly et al.



U.S. Patent No. 6,473,805 to Lewis

European Patent Application EP 0 883 313.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mareisha N. Winters whose telephone number is (703) 305-7838. The examiner can normally be reached on Monday-Friday, 8:00am – 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for official communications, (703) 746-7240 for non-official communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-3900.

*mnw*  
mnw

Mareisha N. Winters  
Patent Examiner  
Art Unit 2153  
February 22, 2003



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